

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GARY C. TANNER,)	Case No. C07-0713-JCC
)	
Plaintiff,)	
)	
v.)	ORDER GRANTING DEFENDANTS'
)	MOTION FOR SUMMARY
DR. KENNEY, et al.,)	JUDGMENT AND DISMISSING
)	PLAINTIFF'S CLAIMS
Defendants.)	
)	

This matter comes before the Court on Defendants' Motion for Summary Judgment (Dkt. No. 37), all papers and pleadings, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 39), Plaintiff's Objections thereto (Dkt. No. 40), Defendants' Response to Plaintiff's Objection (Dkt. No. 41), and the remaining record. The Court has carefully considered the foregoing and determined that oral argument is not necessary. The Court finds and rules as follows.

Plaintiff's Objections do not "set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in [Federal Rule of Civil Procedure] Rule 56(e), that contradict the facts shown in the defendant's declarations and documents and show that there is a genuine issue of material fact for trial" as required to avoid summary judgment. (Summary Judgment Notice (Dkt. No. 38 at 1).) *See Hansen v. United States*, 7 F.3d 137, 138 (9th Cir. 1993) ("Once the moving party meets its initial burden, the nonmoving party

01 must go beyond the pleadings and, by its own affidavits or by the depositions, answers to
02 interrogatories, and admissions on file, come forth with specific facts to show that a genuine issue
03 of material fact exists. . . . When the nonmoving party relies only on its own affidavits to oppose
04 summary judgment, it cannot rely on conclusory allegations unsupported by factual data to create
05 an issue of material fact.”). Plaintiff’s Objections that “what has been said is wrong” and his
06 subjective, but unsupported, belief that his constitutional rights have been violated, are not enough
07 to avoid summary judgment. (Pl.’s Objections (Dkt. No. 40 at 2).) Accordingly:

- 08 (1) The Court adopts the Report and Recommendation;
- 09 (2) Defendants’ Motion for Summary Judgment (Dkt. No. 37) is GRANTED;
- 10 (3) Plaintiff’s complaint and this action are DISMISSED with prejudice; and
- 11 (4) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
- 12 Defendants, and to Judge Theiler.

13 DATED this 15th day of May, 2008.

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16 John C. Coughenour
17 UNITED STATES DISTRICT JUDGE
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